

**UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

**In re: Francis Dumbuya
Patricia Dumbuya**

Chapter 13 Debtors

* **Case No. 15-33176 maw**
* **Chapter 13**
* **JUDGE Mary Ann Whipple**
* **MOTION TO CONVERT, OR IN THE**
* **ALTERNATIVE, DISMISS CASE,**
* **WHICHEVER IS IN THE BEST**
* **INTEREST OF CREDITORS AND**
* **THE ESTATE**

Now comes Elizabeth Vaughan, the Standing Chapter 13 Trustee, and moves the Court for an Order converting the above-captioned matter to Chapter 7 or dismissing the case pursuant to 11 U.S.C. §1307.

In support whereof, the Trustee states as follows:

1. The Debtors have failed to maintain payments under the Chapter 13 Plan confirmed on April 11, 2017. [Doc. No. 204]. The last payment was received in January 2018 in the amount of \$600,000. The last full payment was received in September 2017 in the amount of \$1,325.00.
2. The Debtors have previously filed two Chapter 13 cases. Case No. 14-32396 (MAW) was filed in 2014 and dismissed the same year. Case No. 06-32038 (RLS) was filed in 2006 and discharged in 2012.
3. Prior to filing the above-captioned case, the Debtors transferred substantial assets to a wholly-owned LLC named Orbai Property Management, LLC, as disclosed on Amended Schedule D, [Doc. No. 51, page 15]. The listed value is \$100,000.00. The Trustee asserts that if these assets were liquidated for the benefit of creditors, the unsecured creditors would receive a substantial distribution, if not payment in full.

WHEREFORE, the Trustee moves the Court for an Order of Conversion to Chapter 7 or in the alternative, Dismissal, whichever is in the best interest of creditors and the estate, or for such other relief as the Court deems fair and equitable.

Respectfully submitted,

/s/ Elizabeth A. Vaughan
Elizabeth A. Vaughan
Standing Chapter 13 Trustee
316 N. Michigan St., Suite 501
Toledo OH 43604

CERTIFICATION

I certify that on February 1, 2018 a true and correct copy of Motion to Convert, or in the Alternative, Dismiss Case, Whichever is in the Best Interest of Creditors and the Estate was served:

Via the Court's Electronic Case Filing System on these entities and individuals who are listed on the Court's Electronic Mail Notice List:

Joseph W. Westmeyer, III, on behalf of Debtors Francis I. Dumbuya and Patricia Dumbuya at westmeyerbktcy@sbcglobal.net

Adam Bradley Hall, Manley Deas Kochalski, on behalf of Creditor, Ocwen Loan Servicing, LLC, at amps@manleydeas.com

Karl C. Kerschner, Meyer & Kerschner, Ltd., on behalf of Creditor, Ohio Department of Taxation, at gtr@meyerkerschner.com

Adam Bradley Hall, Manley Deas Kochalski, on behalf of Creditor, Wells Fargo Bank NA, at amps@manleydeas.com

Chrysostomos E. Manolis, Shapiro Van Ess Phillips & Barragate LLP, on behalf of Creditor, Wells Fargo Bank NA, at cmanolis@logs.com

United States Trustee, at ustp.region09@usdoj.gov

And by regular U.S. Mail, postage prepaid on:

Francis I. Dumbuya
Patricia Dumbuya
2305 Applewood Drive
Toledo OH 43615
[Debtor(s)]

Internal Revenue Service
1240 East Ninth Street, Room 493
Cleveland OH 44199
Creditor

Ocwen Loan Servicing, LLC
Robertson, Anschutz & Schneid, P.L.
6409 Congress Ave., Suite 100
Boca Raton FL 33487
Creditor

And

Upon those listed in the attached mailing matrix

/s/ Elizabeth A. Vaughan
Elizabeth A. Vaughan
Standing Chapter 13 Trustee